

REMARKS/ARGUMENTS

Applicant has reviewed the detailed Office Action mailed May 25, 2010. In the outstanding Office Action, 1) claim 77 was allowed, 2) claim 100 was rejected under 35 U.S.C. § 112, second paragraph, 3) claims 85 and 101 were rejected under 35 U.S.C. § 102(b). Applicant thanks the Examiner for accepting claim 77. In this paper, claims 85, 99, and 101 have been cancelled. Additionally, claim 100 has been amended. Applicant requests reconsideration of the pending claims in view of the following remarks.

Interview Summary

On June 22, 2010 Applicant's representative Bryan Pratt conducted a brief phone interview with Examiner Reynolds. Applicant respectfully thanks Examiner Reynolds for his courtesy in allowing the interview. Amendments to claim 100 were discussed along with cancellation of claims 85, 99, and 101. Amendments commensurate with the phone interview are reflected in the present response.

Claim Rejections Under 35 U.S.C. §112

In the outstanding Office Action, claim 100 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 100 has been carefully reviewed in light of the Examiner's comments and amended as necessary. Following this amendment, all the remaining claims are believed to be in compliance with 35 U.S.C. § 112 and notice to that effect is respectfully requested."

Claim Rejections Under 35 U.S.C. §102

With this paper, claims 85, 99, and 101 have been cancelled. The cancellation of claims 85, 99, and 101 should in no way be interpreted as an acquiescence to the arguments made in the outstanding office action and Applicant respectfully reserves its rights to pursue identical or similar claims in related applications, without prejudice. In light of the cancellation of claims 85, 99, and 101, the rejections under 35 U.S.C. §102 are moot.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes that no additional fees are due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2623 under Order No. 41364.0043 from which the undersigned is authorized to draw.

Respectfully submitted,

DATE: June 22, 2010

By: /Bryan G. Pratt/

Bryan G. Pratt, Esq.

Registration No. 48,873

HOLLAND & HART LLP

222 South Main Street, Suite 2200

Salt Lake City, UT 84101

Phone: 801-799-5802

Fax: 801-823-2206